

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE UTAH DEPARTMENT OF TRANSPORTATION
AND
THE UTAH STATE HISTORIC PRESERVATION OFFICE
CONCERNING
STATE FUNDED MINOR HIGHWAY IMPROVEMENTS AND STRUCTURE
MAINTENANCE ACTIVITIES
AND
AGENCY RESPONSIBILITIES PURSUANT TO U.C.A. 9-8-404**

This Memorandum of Understanding is entered into as of the effective date (as indicated by the latest signatory below) by and between the Utah Department of Transportation (UDOT) and the Utah State Historic Preservation Office (USHPO).

WHEREAS, USHPO is charged with maintenance of a State Register listing “. . . historic and prehistoric sites and those districts, sites, building, and objects significant in Utah history” as prescribed by U.C.A. 9-8-402, and is responsible for the preservation and protection of those resources eligible for, or listed on, the State Register; and

WHEREAS, the UDOT is responsible for providing assistance to the State of Utah, and various local government jurisdictions utilizing state Highway funds, for the purpose of constructing and maintaining a safe and effective transportation system, including minor highway improvements such as sidewalk, curb and gutter construction, turn lane additions, lighting and signalization projects hereinafter referred to as “undertakings”; and

WHEREAS, pursuant to U.C.A 9-8-404 the UDOT must take into account any effects which its undertakings might have upon historic buildings, structures, objects, or archeological resources included in, or eligible for, inclusion in the National Register of Historic Places, or the State Register; and

WHEREAS, UDOT has determined that the agreement undertakings either impact non-historic properties as defined by Federal Regulations 36 CFR 800.4, are repetitive, and are routinely found to have “no effect” on historic properties as defined by Federal Regulation 36 CFR 800.5;

NOW, THEREFORE, UDOT and the USHPO agree as follows:

AGREEMENT

- A. The UDOT and the USHPO acknowledge that this agreement is applicable, and limited, to minor highway improvements including turn lane additions, sidewalk curb and gutter construction, lighting, bridge maintenance activities, and traffic signal undertakings involving State funding only.

- B. This agreement will not be applied in cases involving a National Historic Landmark, or National or State Register listed Historic District, or archeological resources. In the event this agreement is not applicable because the project involves a National Historic Landmark, State or National Register Listed Historic District, archeological resource, or the UDOT determines not to apply this agreement, the UDOT will comply with U.C.A 9-8-404 with regard to the undertaking.
- C. The UDOT and the USHPO agree that the undertakings as defined in this agreement have NO EFFECT on historic buildings, structures, objects or archeological resources that are on or eligible for inclusion in the National Register of Historic Places or the State Register, and shall not therefore require individual USHPO notification and concurrence. Undertakings shall therefore meet the following conditions:
1. All undertakings shall be reviewed by qualified persons to determine the applicability of this agreement. This evaluation will be conducted in all cases by individuals who meet or exceed the Secretary of the Interior's *Standards and Guidelines For Archaeology and Historic Preservation* (48 CFR 90), or such future documents or revisions that may supersede these standards and guidance.
 2. NO HISTORIC PROPERTIES -undertakings for which an on-the-ground inventory conducted by individuals who meet or exceed the Secretary of the Interior's *Standards and Guidelines For Archaeology and Historic Preservation* (48 CFR 90), or such future documents or revisions that may supersede these standards and guidance, does not locate any historic or prehistoric site, building, structure, or object in the Area of Potential Effects (APE).
 3. ISOLATED FINDS -undertakings where only Isolated Finds are located in the APE.
 4. PREVIOUSLY INELIGIBLE PROPERTIES -undertakings involving properties that have been determined not eligible for the National Register of Historic Places, or State Register (for reasons other than not being 50 years of age or older) in consultation with the USHPO and/or the Keeper of the National Register within a five year period prior to undertakings.
 5. CURB, GUTTER AND SIDEWALK IMPROVEMENTS- These projects may include rehabilitation or replacement of curbs, gutter and sidewalks and such minor improvements as handicapped access ramps and the installation of drains or catch basins to eliminate drainage problems. It is understood that such replacement or rehabilitation projects are those wherein no new terrain is altered. Additionally, it is understood that in all cases, these activities are in an urban environment where contemporary ground disturbance is complete or almost complete.

6. INTERSECTION IMPROVEMENTS/MINOR WIDENING PROJECTS - Intersection improvements generally involve construction of turn lanes and may require acquisition of a minor amount of right-of-way (twenty feet or less). Minor widening projects on existing facilities may include minimal new right-of-way of up to 20 ft, generally increasing travel lanes by 1 ft and shoulders by four to eight feet or improving the corner radius to accommodate truck turning movements.
7. TRAFFIC SIGNAL AND LIGHTING INSTALLATION PROJECTS - These projects are typically developed at intersections of highways and city streets where safety control is required. Installation includes poles for mounting lights and concrete footing that can extend to depths of twelve feet into the ground in or adjacent to the previously disturbed terrain.
8. STRUCTURE MAINTENANCE ACTIVITIES – Regular structure maintenance activities including:
 - Deck Pothole Patching
 - Deck Overlays
 - Painting
 - Concrete Sealants
 - Joint Replacement
 - Bearing Replacement
 - Any other maintenance activities that will not affect the appearance of the structure.
9. UDOT Standard Specification 01355 will be enforced during all undertakings covered by this agreement. Standard Specification 01355 stipulates instructions to the contractor for the protection of any archaeological, historical, or paleontological resource discovered in the course of construction. Specifically, upon discovery, construction operations shall be immediately stopped in the vicinity and the Engineer shall be verbally notified of the nature and exact locations of the findings. The Contractor shall not damage the discovered objects and shall provide written confirmation of the discovery to the Engineer within two (2) calendar days. The Engineer will inform the Contractor when the restriction is terminated, with written confirmation following within two (2) calendar days. Should a discovery occur, the UDOT will consult with the USHPO toward developing and implementing an appropriate treatment plan prior to resuming construction.

- D. Any party to this Agreement may terminate it by providing thirty days notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the UDOT will comply with U.C.A 9-8-404 with regard to individual undertakings covered by this Agreement.

Execution of this agreement by the UDOT and the USHPO and implementation of its terms evidences that the UDOT has taken into account the effects of minor highway improvement undertakings on historic properties, sites, structures, and objects.

UTAH DEPARTMENT OF TRANSPORTATION

BY: _____
John Njord, Executive Director

Date:

UTAH STATE HISTORIC PRESERVATION OFFICER

BY: _____
Wilson Martin, State Historic Preservation Officer

Date: